

CITIZENS FIRST NATIONAL BANK,)
A National Banking Association)
)
 Plaintiff,)
)
 v.)
)
 HARTMANN PROPERTIES, LLC)
)
 Defendants.)
)
 And) No. 08 C 1642
) Judge Anderson
PENSION BENEFIT)
GUARANTY CORPORATION, A)
Government Corporation,)
)
)
 Counter-Plaintiff,)
 v.)
)
 HARTMAN PROPERTIES, LLC,)
An Illinois Limited Liability Company;)
et. al., ,)
)
 Counter-Defendants.)

NOTICE OF DISMISSAL OF COUNTERCLAIM WITHOUT PREJUDICE

Pursuant to Fed. R. Civ. P. 41(c), Counter-Plaintiff, the Pension Benefit Guaranty Corporation (“PBGC”), by counsel, files this Notice of Dismissal of Counterclaim, Without Prejudice, and states:

1. This case was commenced by the filing of a complaint by Citizens First National Bank (“Citizens”) in the Circuit Court of LaSalle County, Illinois, to foreclose a mortgage on real estate.
2. Subsequent to the filing of the case, PBGC removed the case to the United States District Court for the Northern District of Illinois (the “Court”) and filed a counterclaim to foreclose its mortgage against the real estate (the “Counterclaim”).

June 17, 2008, the Court entered an Order Dismissing the Complaint.

4. As a result of the dismissal of Citizens' Complaint, PBGC has also decided to dismiss its counterclaim.

5. Pursuant to Fed. R. Civ. P. 41(c), because no responsive pleading has been filed and no evidence has been introduced at a hearing or trial with respect to the Counterclaim, the Counterclaim shall be dismissed without prejudice by notice.

6. Accordingly, PBGC herein provides notice of its dismissal of the Counterclaim filed in the above captioned action.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that in accordance with FED. R. CIV. P. 5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document:

NOTICE OF DISMISSAL OF COUNTERCLAIM WITHOUT PREJUDICE

was served pursuant to the district court's ECF system as to ECF filers, if any, and were sent by first-class mail June 23, 2008 to the following non-ECF filers:

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